

Application for a new Premises Licence – Keepers Lodge, Whinwhistle Coarse Fishery, Whinwhistle Road, East Wellow, Romsey SO51 6BE

1 The application

- 1.1 The application is by Woodington Fisheries (2020) Limited for a Premises Licence in respect of premises at Keepers Lodge, Whinwhistle Coarse Fishery, Whinwhistle Road, East Wellow, Romsey SO51 6BE. The application as submitted seeks provision of live music, recorded music and supply of alcohol for consumption on and off the premises from 0800 to 2300 hours Monday to Sunday inclusive (NB the initial application incorrectly showed sale of alcohol until 2330 hours but the applicants have confirmed it should be 2300) with an extension on New Year's Eve until 0030 hours.
- 1.2 The application has attracted representations objecting to the application which necessitates it being determined at a hearing. A copy of the application is attached as Annex 1 to this report. Following submission of the application the applicants subsequently provided a document setting out their rationale for seeking the licence as well as proposing some conditions to be attached to any licence if granted; this appears at Annex 2 to this report.

2 Background

- 2.1 The premises are described in the application as an “existing café/bistro single storey, mono-pitch structure with full length bi-fold doors, level access via a 900mm door during the colder months/wet weather. The premises is in a rural location, no neighbours, wc/wash facilities via separate access, internal seating for 28 people, external café patio area/beer garden”.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives. These comments are taken directly as entered in the application:
 - a) General – The licensee will ensure there are sufficient competent staff on duty whilst the premises is open for licensable activity. This is for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. All staff will undertake appropriate training for their responsibilities in relation to the sale of alcohol, especially with regard to drunkenness and underage persons. All training will be kept on record and refreshed when due or needed. A first aider will be on site.
 - b) The prevention of crime and disorder – The Licensee will ensure: staff check proof of age; CCTV system will be installed; no glass to be taken beyond the beer garden; limit capacity of customers to avoid overcrowding; first aider available.
 - c) Public safety – The Licensee will ensure: appropriate fire extinguishers, procedures, fire exit signs and emergency lighting are in place; disabled access [is] clearly visible; not responsible for property/vehicles signs to be

- in place; proof of ID signs to be in place and clearly visible; staff to keep on top of removing glass from tables, etc.
- d) The prevention of public nuisance – The Licensee will ensure: please leave quietly signs to be in place; litter picked and bins emptied daily (internal bins); any music is turned off by licensed times; light pollution controlled i.e. flood lights, sign lights.
 - e) The protection of children from harm – The Licensee will ensure: staff ask for ID proof of age; staff are trained for underage sales prevention; under 18s are accompanied by an adult over 18; no under 18s allowed to sit at the bar.

The measures to promote the licensing objectives are of relevance when considering the representations received. As mentioned in paragraph 1.2 above the applicants have subsequently submitted revised information and this includes revisions to some of the above comments. These are set out in Annex 2 to the report.

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire Fire and Rescue Service** – does not wish to make any representations.
- 4.2 **TVBC Housing and Environmental Health** – the Environmental Protection Team has raised no objection and makes the following comments: The times of the live and recorded music which have been applied for are such that no licence is required for these activities and therefore this service can have no objections to the application in terms of upholding the licensing objective, Prevention of Public Nuisance. Having said that, the scale of the entertainment (for around 60 customers) and the proposed conditions from the applicant are such that significant impacts seem unlikely. Should issues arise, however, this service has powers under the Environmental Protection Act to deal with noise nuisance and a review of the licence can also be called for.
- 4.3 **TVBC Planning and Building Service** – has no comments to make.

5 Relevant Representations – Other Persons

- 5.1 A total of 27 representations have been received from the following persons objecting to the application:
 - Anthony and Chala Fiske – Annex 3
 - Claire Butson – Annex 4
 - Kirsty Trentham – Annex 5
 - Mark Abramson – Annex 6
 - Donna Savage – Annex 7
 - R & J Hayter – Annex 8
 - C Kyriacou – Annex 9
 - Mrs and Mrs King – Annex 10
 - Tony Donnarumma – Annex 11
 - Dr & Mrs Leadbetter – Annex 12

- D & F Bennett – Annex 13
- Robert & Teresa Houseman – Annex 14
- Daniel Smith – Annex 15
- Bridget Caws – Annex 16
- Steven Caws – Annex 17
- Francis and Paul Feeney – Annex 18
- Chris and Sally Huffam – Annex 19
- Howard & Janet Steer – Annex 20
- Hedley Clarke – Annex 21
- Katie & Peter Goodall – Annex 22
- Valerie Shergold – Annex 23
- Glenn Shergold – Annex 24
- M Thompson-McCormick – Annex 25
- Anita Wolfe – Annex 26
- Emma Cummins – Annex 27
- Jane & David Stringer – Annex 28
- R C & J Oliver – Annex 29.

5.2 It should be noted that some objections refer to the impact upon wildlife and animals. These comments should be disregarded as public nuisance is an act that is illegal because it interferes with the rights of the public generally; as local wildlife cannot be classed as the public any comments relating to the impact on flora and fauna are not relevant and should not be considered. Some objectors also question the need for additional licensed premises which again is not relevant to the licensing objectives and so should not be considered. Any comments about the lack or otherwise of appropriate planning permission should also be discounted as the absence of the correct permission is not in itself a ground for refusal of the application.

5.3 In addition, 39 representations were received in support of the application and appear in Annex 30 to this report.

6 Policy Considerations

6.1 The representations raise concerns relating to aspects of all four licensing objectives. It is therefore considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (December 2022 edition) are relevant.

2.1-2.6 – Crime and disorder

2.7-2.9 – Public safety

2.15-2.21 – Public nuisance

8.41-8.49 – Steps to promote the licensing objectives

9.1, 9.3-9.12, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.15, 10.61-10.66 – Conditions

A copy of the Secretary of State's Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section B: Public Safety

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council's website.

7 Observations

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (for example by allowing only some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the four licensing objectives:

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	30		
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